

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:06-cr-190

UNITED STATES OF AMERICA

vs.

JUSAMEL RODRIGUEZ McCREARY

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ORDER

THIS MATTER is before the Court upon motions of the defendant pro se to rectify the record pursuant to Fed. R. Crim. P. 36, (Doc. No. 81); for redress of grievances pursuant to the First Amendment, (Doc. No. 82); and to correct the docket, (Doc. No. 83).

In the motions, the defendant claims the Court lacked jurisdiction to impose his sentence; therefore, he is being held in custody in violation of the Constitution and laws of the United States. The defendant's conviction and sentence were affirmed by the United States Court of Appeals for the Fourth Circuit in 2009. (Doc. No. 78). Accordingly, the defendant must seek relief pursuant to 28 U.S.C. § 2255.

IT IS, THEREFORE, ORDERED, that the defendant's pro se motions (Doc. Nos. 81, 82, 83) are DENIED without prejudice to be re-filed pursuant to 28 U.S.C. § 2255. The Clerk is directed to send § 2255 forms along with a copy of this Order to Jusamel Rodriguez McCreary, Reg. No. 20958-058, USP Lewisburg, P.O. Box 1000, Lewisburg, PA 17837.

Additionally, because the defendant's conviction has been final for more than one year, any motion under § 2255 must explain why the defendant believes his motion to vacate should be deemed timely filed. Hill v. Braxton, 277 F.3d 701, 706 (4th Cir. 2002).

Signed: April 17, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

